

Threadneedle Property Unit Trust
per Montagu Evans LLP
302 St Vincent Street
Glasgow
G2 5RU

Please ask for: Carlos Clarke
01835 826735
Our Ref: 21/01169/FUL
Your Ref:
E-Mail: cgclarke@scotborders.gov.uk
Date: 11th October 2021

Dear Sir/Madam

**PLANNING APPLICATION AT Unit 3 Gala Water Retail Park Huddersfield Street Galashiels
Scottish Borders TD1 3AP**

**PROPOSED DEVELOPMENT: Change of use of from retail (Class 1) to assembly and
leisure (Class 11)**

APPLICANT: Threadneedle Property Unit Trust

Please find attached the decision notice for the above application.

Please read the schedule of conditions and any informative notes carefully.

Drawings can be found on the Planning pages of the Council website at
<https://eplanning.scotborders.gov.uk/online-applications/> . Please see the requirement for notification
of initiation and completion of development as well as for Street naming and numbering as
appropriate.

It should be noted that before works commence, where applicable, all necessary consents should
be obtained under the Building (Scotland) Act 2003. If you require any further information in this
respect, please contact the relevant Building Standards Surveyor.

Yours faithfully

John Hayward

Planning & Development Standards Manager

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (as amended)

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Application for Planning Permission

Reference : 21/01169/FUL

To : Threadneedle Property Unit Trust per Montagu Evans LLP 302 St Vincent Street Glasgow G2 5RU

With reference to your application validated on **15th July 2021** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Change of use of from retail (Class 1) to assembly and leisure (Class 11)

at : Unit 3 Gala Water Retail Park Huddersfield Street Galashiels Scottish Borders TD1 3AP

The Scottish Borders Council hereby **grant planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), subject to the following direction:

- That the development to which this permission relates must be commenced within three years of the date of this permission.

And subject to the conditions on the attached schedule imposed by the Council for the reasons stated

**Dated 8th October 2021
Planning and Regulatory Services
Environment and Infrastructure
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 21/01169/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
G201054-H09-01	Location Plan	Approved
G201054-A01-01	Existing Plans	Approved

REASON FOR DECISION

Subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

SCHEDULE OF CONDITIONS

- 1 The approved use shall be limited to a gymnasium, and there shall be no permitted change to any other use within Class 11 of the Use Classes (Scotland) Order 1997 (as amended) unless a planning application for the same has been submitted to and approved by the Planning Authority. In the event that the approved gym use ceases, the lawful use of the unit shall revert to its previous lawful use (Class 1 retail)
Reason: The development has been considered specifically with respect to the merits of the gym being operated from within the retail park against the Local Development Plan 2016 and no other uses within Class 11 have been assessed
- 2 No classes or amplified music or speech shall be permitted between 22:00 hours and 07:00 hours.
Reason: To ensure the use does not have an unreasonable impact on the amenity of nearby residential properties
- 3 No development shall commence until a specification for a sealed lobby that complies with the mitigation requirements identified in Acoustic Feasibility Report 11174.RP01.001.0 Revision 0; 26 August 2021 RBA Acoustics has been submitted to and been approved in writing by the Planning Authority. The development shall be operational only with the implementation of the approved sealed lobby, and the provision of wall and floor mitigation measures recommended by the same acoustic report (referred to in Sections 5 and 7) to minimise potential effects on the adjacent retail operator
Reason: To ensure the use is compatible with other business operators within the retail park and does not have an unreasonable impact on the amenity of nearby residential properties
- 4 The development shall not become operational until cycle storage has been implemented in accordance with a scheme of details that has been submitted to and approved in writing by the Planning Authority. The cycle storage shall be maintained free for the storage of cycles throughout the operational use of the development
Reason: To ensure adequate provision of cycle facilities and thereby minimise the need for car travel

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

- 1 The former use of the site is potentially contaminative and may have resulted in land contamination. The land is not currently identified as contaminated land and the Council is not aware of any information which indicates the level of risk the potential contamination presents. The historic use of the site is recorded within a Council database. This database is used to prioritise land for inspection within the Council's Contaminated Land duties. Should the applicant wish to discuss these duties their enquiry should be directed to the Council's Environmental Health Service
- 2 Advertisements that are not exempt under the Control of Advertisements (Scotland) Regulations 1984 (as amended) will require a separate application for Advertisement Consent.

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

Under The Control of Pollution Act 1974, the Council recommends the following hours for noisy construction-related work:

Monday-Friday 0700-1900

Saturday 0800-1300

Sunday and Public Holidays - no permitted work (except by prior agreement with the Council)

Contractors will be expected to adhere to the measures contained in BS 5228:2009 "Code of Practice for Noise and Vibration Control on Construction and Open Sites".

For more information or to make a request to carry out works outside the above hours, please contact an Environmental Health Officer at the Council.

Notice of Initiation of Development

Section 27 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable. A form is available on the Council's website for this purpose.

Notice of Completion of Development

Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND
Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA
Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL
BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH
THUS, Susiephone Department, 4th Floor, 75 Waterloo Street, Glasgow, G2 7BD
Susiephone System – **0800 800 333**

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG.

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice.

The notice of review must be submitted on the standard form and addressed to the Clerk of The Local Review Body, Democratic Services, Scottish Borders Council, Council Headquarters, Newtown St Boswells. TD6 0SA or sent by email to localreview@scotborders.gov.uk. The standard form and guidance notes can be found online at [Appeal a Planning Decision](#). Appeals to the Local Review Body can also be made via the Scottish Government Planning and Environmental Appeals Division by clicking on the following link [PEAD](#)

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).